

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Nanci E. Langley, Vice Chairman;  
Mark Acton;  
Tony Hammond; and  
Robert G. Taub

Competitive Product Prices  
Priority Mail Contract 12 (MC2009-28)  
Negotiated Service Agreement

Docket No. CP2009-38

ORDER GRANTING MOTION FOR TEMPORARY RELIEF AND PROVIDING  
GUIDANCE REGARDING FUTURE MOTIONS FOR TEMPORARY RELIEF

(Issued November 1, 2012)

The Negotiated Service Agreement approved in this proceeding (Existing Agreement) was set to expire October 30, 2012.<sup>1</sup> The Postal Service requests that the Commission retroactively grant a 30-day extension to allow the Existing Agreement to remain in effect until such time as the Postal Service and its contract customer sign a new agreement and have such agreement reviewed by the Commission. *Id.* at 1-2.

The Postal Service represents that it expected to have a new signed agreement ready to file earlier this week, but was unable to do so due to severe weather. *Id.* at 1. The Postal Service represents that it and the contract customer expect to sign a new

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<sup>1</sup> See Motion of the United States Postal Service for Temporary Relief, October 31, 2012 (Motion).

agreement in the near future. *Id.* To maintain continuity, the Postal Service requests that the terms and conditions of the Existing Agreement be extended for 30 days. *Id.* at 2.

The Motion is granted. The Existing Agreement is authorized to continue for 30 days from the current expiration date until November 29, 2012. Allowing the Existing Agreement to remain in effect temporarily is in the public interest and will not prejudice any person.

*Additional considerations and guidance.* As discussed above, in this instance, the Commission will grant the requested relief. Nonetheless, the Commission makes the following observations and provides the Postal Service with guidance for future motions requesting temporary contract extensions.

In this case, the Motion for a temporary extension of the contract seeks the extraordinary relief of retroactively extending the contract's expiration date. The Postal Service asserts that the impetus for its request was severe weather which closed Postal Service Headquarters on October 29-30, 2012. However, even had the Postal Service been able to file the instant Motion on October 29, 2012, this would have been problematic. The date on which contracts are scheduled to expire is known. While the Commission appreciates that contract negotiations may become protracted, absent compelling circumstances, motions for temporary relief such as the instant Motion should be filed at least one week prior to the contract's expiration date. In this case, the Postal Service was well aware of the instant contract's expiration date.<sup>2</sup> The Postal Service does not present any reason that it could not have filed the Motion on or before October 23, 2012—which would have been well in advance of the expected severe weather conditions. Filing such request a week or more prior to the contract's expiration date also will provide the Commission with sufficient time to review the Postal Service's request.

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<sup>2</sup> See Order No. 1440, Order Granting Motion for Temporary Relief, August 17, 2012.

*It is ordered:*

1. The Motion of the United States Postal Service for Temporary Relief, filed October 31, 2012, is granted.
2. The Existing Agreement is authorized to continue for 30 days from the current expiration date until November 29, 2012.

By the Commission.

Shoshana M. Grove  
Secretary